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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

NGUYEN, QUYNH H

ART UNIT PAPER NUMBER

2642

DATE MAILED: 10/09/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/585,460

Applicant(s)

STRIETZEL, JONATHAN

Examiner

Quynh H Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment filed 7/14/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13 and 30-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13 and 30-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Objections

2. Claim 13 is objected to because of the following informalities: the last limitation of claim 1 is read as "associated an advertisement with said source and an advertisement with said destination" should have been read as "associate an advertisement with said source and an advertisement with said destination".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. Claims 13, 33-38, 40-43, 49-51, and 54 are rejected under 35 U.S.C. 102(b) as being anticipated by Gregorek et al. (U.S. Patent 5,557,658).

Regarding claim 13, Gregorek teaches an advertisement database (Fig. 4, 60) that stores subscriber specific ("customized menu"); and a processing mean ("message generator") configured to selectively associate, based on one or more factors selected from the group consisting of user preferences ("customized menu selection"), time of day (col. 9, lines 5-10), communication source ("the network address of the first telephone 12 or other device") and geography (col. 9, lines 17-28 and col. 19, lines 53-60), communication types (col. 6, lines 22-26), communication destination ("services provided by a particular corporation or individual" - col. 14, lines 53-54), at least one advertisement in the advertisement database with an incoming communication in at

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least one of the following ways: associate an advertisement with a source of the incoming communication (col. 19, lines 53-60).

Regarding claim 30, Gregorek teaches a marketing system for selectively modifying a portion of the processing software permits transmitting generally continuous pre-recorded announcements. In one embodiment of the reference at (col. 19, line 49 through col. 20, line 41) teaches a method of updating ("selecting") user preferences ("customized menu selection") associated with a telecommunications advertising means ("marketing system"), comprising: a user accessing a record ("customized menu") containing the user's preferences from a database; providing the user with the option of changing or updating ("selecting") any or all preferences in the record; the user changing or updating ("selecting") some or all of the user's preferences; updating ("customizing") and storing the record in the database; and using the updated ("customized") version of the record to automatically update associations of advertisements to be played to the user within a telecommunications network containing the telecommunications advertising means.

Regarding claims 31 and 50, Gregorek teaches the user accesses the record via a telephone ("telephone 12") or the Internet ("or other device") (col. 19, lines 28-30).

Regarding claims 32 and 51, Gregorek teaches at col. 14 lines 50-54, reads on claimed invention "the user's preferences include information related to the types of services the user is interested in or typically use".

Regarding claims 33, 35, and 36, Gregorek teaches the processing means is configured to cause the advertisement associated with the source to replace a dial tone

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that would normally be routed to the source, to be routed to the source prior to connecting the source with the destination, and just prior to a dial tone being routed to the source (col. 19, lines 28-53).

Regarding claim 34, Gregorek teaches the processing means is configured to cause the advertisement associated with the source to replace the rings of a ringback signal that would normally be routed to the source (col. 8, line 61 through col. 9, line 4).

Regarding claim 37, Gregorek teaches the processing means is configured to cause the advertisement associated with the destination ("second telephone 20 or other device") when the destination goes off hook in response to the incoming communication (col. 20, lines 28-34).

Regarding claim 38, Gregorek teaches the advertisement associated with the source to be routed to the source (col. 9, lines 5-7). Furthermore, Gregorek teaches the second audible signal generator 24 is connected to a second switch 22, as is a second message generator 26 that routes advertisement associated with the destination to the destination.

Regarding claims 40 and 41, Gregorek teaches (Fig. 1) a switching center 15 interfaced with the source and the processing means comprises part of the switching center and a router to route the incoming call from the source 12 to the destinations 20 and 28.

Regarding claims 42 and 43, Gregorek teaches the database (Fig. 2, 102) configured to store the user preferences (col. 9, lines 55-61).

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Regarding claim 49, Gregorek teaches the user can access the database to update their user preferences (col. 10, lines 61-65 and col. 19, line 61 through col. 20, line 3).

Regarding claim 54, Gregorek teaches obtaining the user's preferences and generating ("selecting") the record ("customized menu").

Claim Rejections - 35 USC § 103

4. Claims 44-48, 52, and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gregorek et al. (U.S. Patent 5,557,658) in view of Kung et al. (U.S. Patent 6,373,817).

Regarding claims 44-48, 52, and 53, Gregorek teaches the users buying preferences can be of any particular subject matter (col. 14, lines 50-57). However, Gregorek does not teach the user preferences include the user's age, salary, gender, marital and economic status, political affiliation, and number of children.

Kung et al. teach the announcement server 220 may be utilized to track the user's age, salary ("income") (col. 10, lines 13-20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the features of the user preferences include the user's age, salary, marital status, and number of children in order to customized the advertisements accordingly.

5. Claims 39, 55, and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gregorek et al. (U.S. Patent 5,557,658).

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Regarding claim 39, Gregorek teaches the message generator determines the duration in which the announcements are to be played (col. 11, lines 29-31). However, Gregorek does not teach the advertisement associated with the source and the advertisement associated with the destination last the same amount of time. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature mentioned above to Gregorek's system in order to stop the advertisements at the source and the destination at the same time when call processing is established.

Regarding claims 55 and 56, Gregorek does not teach the users preferences are obtained when the user signs up for a telecommunication service and obtained via a questionnaire. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the mentioned above features to Gregorek's system in order to offer the user the convenience of obtaining the user's preferences while signing up for services and via a questionnaire.

Response to Arguments

6. Applicant's arguments filed 7/14/03 have been fully considered but they are not persuasive.

Applicant argues that Gregorek does not teach obtaining, maintaining, or using user preferences as taught in claim 30. Examiner respectfully disagrees. Gregorek teaches (col. 19, line 49 through col. 20, line 41) a method of updating ("selecting") user preferences ("customized menu selection") associated with a telecommunications advertising means ("marketing system"), comprising: a user accessing a record

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("customized menu") containing the user's preferences from a database; providing the user with the option of changing or updating ("selecting") any or all preferences in the record; the user changing or updating ("selecting") some or all of the user's preferences; updating ("customizing") and storing the record in the database; and using the updated ("customized") version of the record to automatically update associations of advertisements to be played to the user within a telecommunications network containing the telecommunications advertising means.


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 703-305-5451. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

qhn

Quynh H. Nguyen
September 30, 2003


AHMAD MATAR
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